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**Notice of Final Deletion**

of

**Crim-Hammett**

from the

**Texas Superfund Registry**

as published in the

***Texas Register***

**(29 TexReg 7775-7775)**

on

**August 6, 2004**

**The records for this site, including documents  
pertinent to the determination to delete, are  
available for viewing and copying**

**at**

**TCEQ Records Management Center**

**12100 Park 35 Circle, Bldg E**

**Austin, Texas**

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objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. The TEA will not award a grant to an applicant receiving an average score of less than 70. The TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA and that are most advantageous to the project.

The TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

**Requesting the Application.** A complete copy of RFA #701-04-043 may be obtained by writing the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 N. Congress Avenue, Austin, Texas 78701; by calling (512) 463-9304; by faxing (512) 463-9811; or by e-mailing [dcc@tea.state.tx.us](mailto:dcc@tea.state.tx.us). Please refer to the RFA number and title in your request. Provide your name, complete mailing address, and phone number including area code. The announcement letter and complete RFA will also be posted on the TEA website at <http://www.tea.state.tx.us/opge/disc/index.html> for viewing and downloading.

**Further Information.** For clarifying information about the RFA, contact Barbara Knaggs, Division of Education Initiatives, Texas Education Agency, (512) 936-6060.

**Deadline for Receipt of Applications.** Applications must be received in the Document Control Center of the TEA by 5:00 p.m. (Central Time), Thursday, October 7, 2004, to be considered for funding.

TRD-200404879

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Filed: July 28, 2004

## Texas Commission on Environmental Quality

Draft July 2004 Update to the Water Quality Management Plan for the State of Texas

The Texas Commission on Environmental Quality (TCEQ or commission) announces the availability of the draft July 2004 Update to the Water Quality Management Plan for the State of Texas (draft WQMP update).

The Water Quality Management Plan (WQMP) is developed and promulgated in accordance with the requirements of the Federal Clean Water Act, §208. The draft WQMP update includes projected effluent limits of indicated domestic dischargers useful for water quality management planning in future permit actions. Once the commission certifies a WQMP update, the update is submitted to the United States Environmental Protection Agency (EPA) for approval. For some Texas pollutant discharge elimination system (TPDES) permits, the EPA's approval of a corresponding WQMP update is a necessary precondition to TPDES permit issuance by the commission. The draft WQMP update may contain service area populations for listed wastewater treatment facilities and designated management agency information.

A copy of the draft July 2004 WQMP update may be found on the commission's Web site located at <http://www.tnrcc.state.tx.us/permitting/waterperm/wqmp/index.html>. A copy of the draft may also be viewed at the TCEQ Library, Building A, 12100 Park 35 Circle, Austin, Texas.

Written comments on the draft WQMP update may be submitted to Nancy Vignali, Texas Commission on Environmental Quality, Water Quality Division, MC 150, P.O. Box 13087, Austin, Texas 78711-3087. Comments may also be faxed to (512) 239-4420, but must be followed up with the submission and receipt of the written comments within three working days of when they were faxed. Written comments must be submitted no later than 5:00 p.m. on September 6, 2004. For further information or questions, please contact Ms. Vignali at (512) 239-1303 or by e-mail at [nvignali@TCEQ.state.tx.us](mailto:nvignali@TCEQ.state.tx.us).

TRD-200404872

Stephanie Bergeron

Director, Environmental Law Division

Texas Commission on Environmental Quality

Filed: July 28, 2004

## Notice of Deletion of the Crim-Hammett Site from the State Superfund Registry

The executive director (ED) of the Texas Commission on Environmental Quality (TCEQ or commission) is issuing this notice of deletion of the Crim-Hammett Site (the Site) from its proposed-for-listing status on the state registry. The state registry is a list of contaminated state Superfund sites which may constitute an imminent and substantial endangerment to public health and safety or the environment due to a release or threatened release of hazardous substances into the environment.

The Site was originally proposed for listing on the state registry as published in the July 21, 2000, issue of the *Texas Register* (25 TexReg 7039). The Site, including all land, structures, appurtenances, and other improvements, is approximately 3.6 acres located at 801 Highway 64, Henderson, Rusk County, Texas. In addition, the Site includes any areas where hazardous substances came to be located as a result, either directly or indirectly, of releases of hazardous substances from the site.

The Site was owned by different members of the Crim family from September 21, 1928 - April 18, 1990. During the ownership by the Crims, the Site was used as an International Harvester franchise from August 14, 1961 - March 5, 1986. On April 18, 1990, the Site was purchased by Mr. Scott Hammett. Mr. Hammett tried to sell the property, but during a Phase I environmental site assessment by the potential purchaser, contamination was discovered at the Site. On March 6, 1994 Mr. Hammett notified the Texas Natural Resource Conservation Commission (predecessor agency to TCEQ) of the contamination. Contamination was believed to be from an on-site landfill that was used for the burial of waste oil, tanks, wood chips, drums, battery chips, and other debris.

The commission constructed a site perimeter fence to limit unauthorized access. Signs warning of contamination were placed on the fence. The commission conducted a remedial investigation that indicated that the contaminants of concern were lead in the soil and lead and petroleum bi-products, primarily benzene, in the groundwater. The investigation also led to the discovery of an on-site underground storage tank. The commission performed a removal action which included the on-site underground storage tank and surrounding soil as well as contaminated soil. The contaminated soil was removed from the Site, treated, stabilized, and disposed of in an approved landfill.

Excavation continued until native soils were encountered and the bottom of the excavation was visually free of battery chips. Once the area was fully excavated and no contaminated soil was left, the area was backfilled with clean material. After stabilization, the material was sampled and analyzed for waste classification. Once analytical results were accepted by the approved off-site landfill, the stabilized material

was transported to the approved off-site landfill. TCEQ's contractor removed the on-site 1,000 gallon underground storage tank and surrounding soil, and disposed of it in the approved off-site landfill. The contractor also excavated, stabilized, and disposed of approximately 2,600 cubic yards of contaminated soil from the Site. The removal action eliminated the need for post-closure maintenance and monitoring.

The Site is appropriate for commercial/industrial use according to protective concentration levels in the Texas Risk Reduction Program and a deed recordation states that the Site may not be used for residential. Signs warning of contamination have been removed.

In accordance with 30 TAC §335.344(b), the commission held a public meeting to receive comments on the intended deletion of the Site on June 17, 2004 at Henderson City Hall, Henderson, Texas. No comments regarding the proposed deletion were received at the public meeting. The complete public file, including a transcript of the public meeting, may be viewed during regular business hours at the commission's Records Management Center, Records Customer Service, Building E, First Floor, 12100 Park 35 Circle, Austin, Texas, (800) 633-9363 or (512) 239-2920. Fees are charged for photocopying file information.

In accordance with 30 TAC §335.344(c), the ED has determined that due to the removal action that has been performed, the Site no longer presents an imminent and substantial endangerment to public health and safety or the environment.

In accordance with Texas Health and Safety Code, §361.188(d), a notice will be filed in the real property records of Rusk County, Texas stating that the Site has been deleted from the state registry.

All inquiries regarding the deletion of the site should be directed to Bruce McAnally, TCEQ Community Relations, (800) 633-9363 or (512) 239-2141.

TRD-200404814

Paul C. Sarahan

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: July 27, 2004



## Notice of District Petition

Notices mailed July 14 through July 19, 2004.

TCEQ Internal Control No. 06182004-D03; Grason Volente Investments, Ltd., The Volente Group of Texas, Ltd. and Grason Communities, Ltd. (Petitioners) filed a petition for Volente Municipal Utility District of Travis County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners are the owner of a majority in value of the land to be included in the proposed District; (2) there are two lienholders, Gary Kolkhorst, trustee, for the benefit of the Hammonds Management Trust and Northern Trust Bank of Texas, N.A., on the property to be included in the proposed District; (3) the proposed District will contain approximately 297.668 acres located within Travis County, Texas; and (4) the proposed District is within the corporate limits of the Village of Volente, Texas. The Petitioners have also provided the TCEQ with a certificate evidencing the consent of Gary Kolkhorst, trustee, for the benefit of the Hammonds Management Trust and Northern Trust Bank of Texas, N.A. to the creation of the proposed District. By Resolution No. 2003, effective October 29, 2003, the Village of Volente gave

its consent to the creation of the proposed District. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain and operate a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the property in the proposed District; (3) control, abate and amend local storm waters or other harmful excesses of waters, as more particularly described in an engineer's report filed simultaneously with the filing of the petition; and (4) purchase, construct, acquire, improve, maintain, and operate any additional facilities, systems, plants and enterprises consistent with the purposes for which the District is created. According to the petition, the Petitioners estimate that the cost of the project will be approximately \$31,520,000.

TCEQ Internal Control No. 06152004-D01; West Little York 62 AC., Ltd., Maryfield Limited, and Hannover Estates, Ltd. (Petitioners) filed a petition for creation of Brazoria County Municipal Utility District No. 36 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners are the owner of a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 541.02 acres located within Brazoria County, Texas; and (4) the proposed District is within the corporate limits of the City of Alvin, Texas. By Ordinance No. 04-M, effective April 15, 2004, the City of Alvin gave its consent to the creation of the proposed District. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain and operate a waterworks and sanitary sewer system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the property in the proposed District; (3) control, abate and amend local storm waters or other harmful excesses of waters, as more particularly described in an engineer's report filed simultaneously with the filing of the petition; and (4) purchase, construct, acquire, improve, maintain, and operate any additional facilities, systems, plants and enterprises consistent with the purposes for which the District is created. According to the petition, the Petitioners estimate that the cost of the project will be approximately \$23,965,000.

## INFORMATION SECTION

The TCEQ may grant a contested case hearing on a petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed district's boundaries. You may also submit your proposed adjustments to the petition which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below.

The Executive Director may approve a petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of the notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and